

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED

**DECLARATION OF JAMES A. SHIMOTA IN SUPPORT OF
PLAINTIFF ENTROPIC COMMUNICATIONS, LLC'S
MOTION FOR PARTIAL SUMMARY JUDGMENT THAT DEVICES WITH
MAXLINEAR CHIPS ARE NOT NON-INFRINGEMENT ALTERNATIVES AFFECTING
THE REASONABLE ROYALTY RATE**

I, James A. Shimota, declare:

1. I am a Partner with the law firm of K&L Gates LLP and counsel of record for Plaintiff Entropic Communications, LLC (“Entropic”) in the above-captioned matter. I submit this declaration in support of Entropic’s Motion for Partial Summary Judgment that Devices with MaxLinear Chips are Not Non-Infringing Alternatives Affecting the Reasonable Royalty Rate. I have personal knowledge of the matters stated herein and, if called to testify to such matters, I could and would testify hereto.

2. Attached as Exhibit A is a true and correct copy of Defendant’s Expert Report of Dr. Kevin Almeroth Regarding Licensing and Non-Infringing Alternatives, which was served on Entropic on July 21, 2023.

3. Attached as Exhibit B is a true and correct copy of Defendant’s Rebuttal Expert Report Regarding Damages signed by W. Christopher Bakewell, which was served on Entropic on August 11, 2023.

4. Attached as Exhibit C is a true and correct copy of selected excerpts of the deposition transcript of Daniel Boglioli, Charter’s Vice President, Associate General Counsel, which was taken on August 11, 2023.

5. Attached as Exhibit D is a true and correct copy of selected excerpts of the deposition transcript of Steven Kaufman, Vantiva USA LLC’s corporate representative, which was taken on September 6, 2023.

6. Attached as Exhibit E is a true and correct copy of selected excerpts of the deposition transcript of Jason Henricks, Charter’s Director of Engineering, which was taken on May 25, 2023.

7. Attached as Exhibit F is a true and correct copy of selected excerpts of the deposition transcript of Vinod Dani, a Principal Engineer II at Charter, which was taken on May 11, 2023.

I certify under penalty of perjury under the laws of the United States that the foregoing statements are true and correct. Signed this 11th day of September, 2023.

/s/ James A. Shimota
James A. Shimota